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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,212	09/29/2003	Richard Jones JR.	39,816-02	2517

7590 07/07/2005

BP America Inc.
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EXAMINER

NGUYEN, HOANG M

ART UNIT

PAPER NUMBER

3748

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,212

Applicant(s)

JONES ET AL.

Examiner

Hoang M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by the article "A Novel Concept" (Bauer).

Bauer discloses a process/apparatus for a power plant comprising a gas turbine cycle using a precooling heat exchanger for cooling an air stream to about 80% (figure 1 of Bauer shows that equivalent with 20 degrees Celcius), said gas turbine drives air compressor, and the exhaust going to a waste heat recovery heat exchanger then drive a steam turbine cycle to generate electricity. Regarding claim 3, Bauer clearly discloses on page 60 that different gas conditions can be used for actual task, therefore the temperature can be at the range at claimed for different task. Regarding claim 4, Bauer discloses that one of the actual task is liquefaction.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6324867 (Fanning) in view of the article "A Novel Concept" (Bauer). Fanning discloses a cogeneration system comprising a gas turbine cycle comprising a gas

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turbine 38, a compressor 37, the exhaust going to a waste heat recover heat exchanger

22. Fanning does not disclose the specific temperature during the cooling process and the waste heat recovery heat exchanger is used to drive a steam turbine cycle. Bauer discloses a process/apparatus for a power plant comprising a gas turbine cycle using a precooling heat exchanger for cooling an air stream to about 80% (figure 1 of Bauer shows that equivalent with 20 degrees Celcius), said gas turbine drives air compressor, and the exhaust going to a waste heat recovery heat exchanger then drive a steam turbine cycle to generate electricity; Bauer clearly discloses on page 60 that different gas conditions can be used for actual task, therefore the temperature can be at the range at claimed for different task. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize the heat exchanger in Fanning to drive a steam turbine cycle as taught by Bauer for the purpose of generating electricity from the waste heat and to use the temperature range in Fanning as taught by Bauer for the purpose of achieving the appropriate power output. Regarding different temperature range as claimed in claim 3, it would have been obvious to adjust the temperature for the purpose of using the power plant in different tasks.

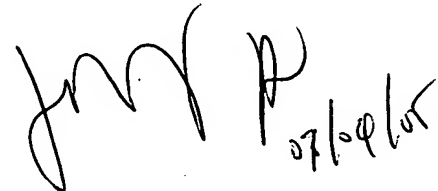
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson et al, Carter et al, and the Meckler references disclose cogeneration systems having precooling apparatus.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (571)-272-4859. The fax phone number for the Examiner is (703) 872-9306 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.

A handwritten signature in black ink, appearing to be 'H.N. P.', followed by the date '07/04/05' written vertically.

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
7/4/05